IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

Crl.Rev.Pet.No. 1686 of 2007()

C.C.NO.634/2003 ON THE FILE OF THE JUDICIAL MAGISTRATE OF FIRST CLASS II, THRISSUR

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REVN. PETITIONER:

RAJAN, S/O.RAPPAI, THATTIL HOUSE,
ST.JOSEPH STREET, KURIACHIRA,
CHIYYARAM VILLAGE, THRISSUR.

BY ADV. SRI.K.N.SANTHOSH
ADV.JIJO PAUL

RESPONDENTS:
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1. JOICY, D/O.JACOB, KIDANGAN HOUSE,
CHALAKUDY, THRISSUR.

2. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR.

BY ADV. SRI.C.K.ABDUL RAHIM

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 30/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN, JJ.

Crl.R.P.No.1686 of 2007

Dated this the 30th day of November, 2007

O R D E R

Sankaran,J.

This Criminal Revision Petition was filed by the petitioner originally before the Sessions Court, Thrissur wherein it was numbered as Crl.R.P.No.66/2005. As per the order passed by this court the Criminal Revision Petition pending before the Sessions Court, Thrissur was transferred to this court and it is renumbered as Crl.R.P.No.1686/2007.

2. The Criminal Revision Petition arise out of an order passed by the Court of the Judicial Magistrate of First Class, II, Thrissur dismissing an application filed by the accused in the case to discharge him. The complaint is filed by the wife of the revision petitioner alleging offence under Sections 403 and 406 of the Indian Penal Code. The allegation is that the petitioner-accused misappropriated the gold ornaments and cash and other properties belonging to the wife. For realisation of the amounts due to the wife she had filed O.P.No.226/1998 before the Family Court, Thrissur. That original petition was allowed by the Family Court. The husband had filed M.F.A.No.495/2003 challenging the order passed by the Family Court.

The matter was settled between the parties and the amount payable to the wife was paid by the petitioner-husband. All the differences and disputes were settled by the parties and the parties have separated also.

3. In view of the settlement between the parties the learned counsel appearing for the respondent-complainant would submit that the complainant does not want to prosecute the matter any further. In view of the settlement between the parties, we are of the view that it would not be in the interests of both parties to continue the proceedings in the criminal court. Accordingly the proceedings in C.C.No.634/2003 on the file of the Judicial Magistrate of First Class, II, Thrissur are quashed.

The Criminal Revision Petition is allowed as above.

(KURIAN JOSEPH, JUDGE)

(K.T.SANKARAN, JUDGE)

ahg.

KURIAN JOSEPH &
K.T.SANKARAN, JJ.

Crl.R.P.No.1686 of 2007

O R D E R

30th November, 2007